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Attorney for Plaintiff:
JOSEPH MARKETTE

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San Francisco, CA 94108
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Attorneys for Defendant:
WAL-MART STORES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH MARKETTE,
Plaintiff,

CASE NO. C05-2173 MJJ
Civil Rights

v.

**STIPULATION AND ~~PROPOSED~~
ORDER FOR FILING A FIRST
AMENDED COMPLAINT**

WAL-MART STORES INC., et al.,
Defendants.

_____ /

Plaintiff JOSEPH MARKETTE filed his Complaint on May 26, 2005, naming as defendants WAL-MART STORES, INC., MANAGER DOE 1; and DOES 2 through 25, Inclusive, based on information obtained from public records and Westlaw databases. Defendant MANAGER DOE 1 is a store manager with whom plaintiff interacted during his incident as alleged in the Complaint, but whose name was unknown to plaintiff. Defendant Wal-Mart Stores, Inc., filed its Answer to the Complaint on June 22, 2005.

**Stipulation and ~~Proposed~~ Order for Filing a First
Amended Complaint: Case No. C05-2173 MJJ**

1 Through communication with counsel for Defendant WAL-MART STORES,
2 INC., Plaintiff has learned that the true name of MANAGER DOE 1 is Suhard Mehta.

3 Plaintiff has prepared a First Amended Complaint naming SUHARD MEHTA
4 as a defendant in place of MANAGER DOE 1 based on plaintiff's new information.

5 Therefore, IT IS HEREBY STIPULATED by and between the parties through their attorneys
6 of record that Plaintiff may file a First Amended Complaint, which is attached hereto. IT IS
7 HEREBY STIPULATED that the firm of PHILLIPS, SPALLAS & ANGSTADT LLP accepts
8 service of the complaint on behalf of SUHARD MEHTA and will file an answer on behalf of
9 SUHARD MEHTA within 20 days of the filing of the First Amended Complaint.

10 IT IS FURTHER STIPULATED that defendant WAL-MART STORES, INC.
11 waives notice and service of the amended complaint and shall not be required to answer the
12 First Amended Complaint, and that all denials, responses, and affirmative defenses contained in
13 the answer filed by defendant WAL-MART STORES, INC. to the Complaint shall be
14 responsive to the Plaintiff's First Amended Complaint.

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17 Dated: September 16, 2005

PAUL L. REIN
PATRICIA BARBOSA
JULIE MCLEAN
LAW OFFICES OF PAUL L. REIN

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19
20 /s/ Julie McLean
21 Attorneys for Plaintiff
JOSEPH MARKETTE

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23
24 Dated: September 16, 2005

GREGORY L. SPALLAS
BAHAREH ABDOLLAHI
PHILLIPS, SPALLAS & ANGSTADT LLP

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26 /s/ Gregory Spallas
27 Attorneys for Defendant
WAL-MART STORES, INC.

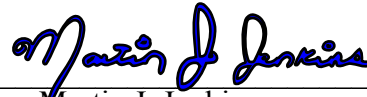
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Stipulation and ~~Proposed~~ Order for Filing a First
Amended Complaint: Case No. C05-2173 MJJ

ORDER

Pursuant to Stipulation, IT IS HEREBY ORDERED that Plaintiff Joseph Markette may file a First Amended Complaint in the above-captioned action.

Dated: 9/20/2005



Hon. Martin J. Jenkins
U.S. District Judge

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Stipulation and ~~Proposed~~ Order for Filing a First
Amended Complaint: Case No. C05-2173 MJJ